

Status: Point in time view as at 31/01/2020.

Changes to legislation: European Union (Withdrawal) Act 2018, Cross Heading: Scrutiny procedure in certain urgent deficiencies cases: devolved authorities is up to date with all changes known to be in force on or before 05 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 7

REGULATIONS

PART 1

SCRUTINY OF POWERS TO DEAL WITH DEFICIENCIES

Scrutiny procedure in certain urgent deficiencies cases: devolved authorities

- 6 (1) This paragraph applies to—
- (a) regulations to which paragraph 1(6) applies, or
 - (b) regulations to which paragraph 1(7) applies which would not otherwise be made without being subject to the affirmative procedure.
- (2) The regulations may be made without being subject to the affirmative procedure if the regulations contain a declaration that the Scottish Ministers are of the opinion that, by reason of urgency, it is necessary to make the regulations without them being subject to that procedure.
- (3) After regulations are made in accordance with sub-paragraph (2), they must be laid before the Scottish Parliament.
- (4) Regulations made in accordance with sub-paragraph (2) cease to have effect at the end of the period of 28 days beginning with the day on which they are made unless, during that period, the regulations are approved by resolution of the Scottish Parliament.
- (5) In calculating the period of 28 days, no account is to be taken of any time during which the Scottish Parliament is—
- (a) dissolved, or
 - (b) in recess for more than four days.
- (6) If regulations cease to have effect as a result of sub-paragraph (4), that does not—
- (a) affect the validity of anything previously done under the regulations, or
 - (b) prevent the making of new regulations.

^{F1}(7)

Textual Amendments

- F1** Sch. 7 para. 6(7) omitted (23.1.2020) by virtue of [European Union \(Withdrawal Agreement\) Act 2020](#) (c. 1), s. 42(6)(e)(viii), [Sch. 5 para. 50\(d\)](#) (with s. 38(3), Sch. 5 para. 66)

- 7 (1) Sub-paragraph (2) applies to—

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- (a) a statutory instrument to which paragraph 1(8) applies, or
 - (b) a statutory instrument to which paragraph 1(9) applies which would not otherwise be made without a draft of the instrument being laid before, and approved by a resolution of, the National Assembly for Wales.
- (2) The instrument may be made without a draft of the instrument being laid before, and approved by a resolution of, the National Assembly for Wales if it contains a declaration that the Welsh Ministers are of the opinion that, by reason of urgency, it is necessary to make the regulations without a draft being so laid and approved.
- (3) After an instrument is made in accordance with sub-paragraph (2), it must be laid before the National Assembly for Wales.
- (4) Regulations contained in an instrument made in accordance with sub-paragraph (2) cease to have effect at the end of the period of 28 days beginning with the day on which the instrument is made unless, during that period, the instrument is approved by a resolution of the National Assembly for Wales.
- (5) In calculating the period of 28 days, no account is to be taken of any time during which the National Assembly for Wales is—
- (a) dissolved, or
 - (b) in recess for more than four days.
- (6) If regulations cease to have effect as a result of sub-paragraph (4), that does not—
- (a) affect the validity of anything previously done under the regulations, or
 - (b) prevent the making of new regulations.
- (7) Sub-paragraph (8) applies to a statutory instrument to which paragraph 1(9) applies where the Welsh Ministers are of the opinion that the appropriate procedure for the instrument is for it to be subject to annulment in pursuance of a resolution of the National Assembly for Wales.
- (8) Paragraph 4 does not apply in relation to the instrument if the instrument contains a declaration that the Welsh Ministers are of the opinion that, by reason of urgency, it is necessary to make the regulations without meeting the requirements of that paragraph.

^{F2}(9)

Textual Amendments

F2 Sch. 7 para. 7(9) omitted (23.1.2020) by virtue of [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\)](#), s. 42(6)(e)(viii), [Sch. 5 para. 50\(e\)](#) (with s. 38(3), [Sch. 5 para. 66](#))

- 8 (1) This paragraph applies to—
- (a) regulations to which paragraph 1(11) applies, or
 - (b) regulations to which paragraph 1(12) applies which would not otherwise be made without a draft of the regulations being laid before, and approved by a resolution of, the Northern Ireland Assembly.
- (2) The regulations may be made without a draft of the regulations being laid before, and approved by a resolution of, the Northern Ireland Assembly if they contain a declaration that the Northern Ireland department concerned is of the opinion that, by

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reason of urgency, it is necessary to make the regulations without a draft being so laid and approved.

- (3) After regulations are made in accordance with sub-paragraph (2), they must be laid before the Northern Ireland Assembly.
- (4) Regulations made in accordance with sub-paragraph (2) cease to have effect at the end of the period of 28 days beginning with the day on which they are made unless, during that period, the regulations are approved by a resolution of the Northern Ireland Assembly.
- (5) In calculating the period of 28 days, no account is to be taken of any time during which the Northern Ireland Assembly is—
 - (a) dissolved,
 - (b) in recess for more than four days, or
 - (c) adjourned for more than six days.
- (6) If regulations cease to have effect as a result of sub-paragraph (4), that does not—
 - (a) affect the validity of anything previously done under the regulations, or
 - (b) prevent the making of new regulations.

^{F3}(7)

Textual Amendments

F3 Sch. 7 para. 8(7) omitted (23.1.2020) by virtue of [European Union \(Withdrawal Agreement\) Act 2020](#) (c. 1), s. 42(6)(e)(viii), **Sch. 5 para. 50(f)** (with s. 38(3), Sch. 5 para. 66)

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